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LODI HISTORIAN

EARLY LODI LAW & ORDER

By Nancy Lea Schmer

Lodi was originally established as Mokelumne or Mokelumne Station on August 25, 1869. Being located within the Elkhorn township, Lodi was administered by the five San Joaquin County Supervisors from 1869 to 1906. There were two constables and two justices of the peace for the Elkhorn township. The constables were elected to serve two-year terms and worked under the county sheriff. After incorporation in 1906, Lodi had its own marshal, although the local constable did assist in enforcing the law.

Freeman Mills was the sheriff in 1869 when Lodi was established. A native of Pennsylvania, Freeman was

a Lodi area resident. In 1853 he came across the plains from Illinois to California. Mr. Mills was engaged for a time in mining gold in Sierra County, then in business in Colusa County. In 1857 he came to this area and bought a squatter's title to eighty acres, later adding another eighty adjoining acres, to farm grain. His wife, Minerva (Grace), was a native of Massachusetts, they had three sons and three daughters. After serving one term as sheriff, he remained active in the community. In 1871 he served as one of the Woodbridge precinct judges during the elections. Freeman Mills died in September 1875 after being thrown from his vehicle during

an accident. His funeral was attended by 600 people and the cortege consisted of 170 vehicles.

George Castle was elected sheriff on September 1, 1869. The two constables were B.C. Harris and B.D. Beckwith.

While serving as constable, Byron Beckwith, a native of Virginia, opened the first drug store at the northeast corner of Sacramento and Elm streets. In 1874 he became the Lodi Postmaster and first telegraph operator. After selling the drug store, Beckwith turned his attention to irrigation water. In 1886 Beckwith started the Woodbridge Canal and



▲ Left to right: George Black, Undersheriff Joe Long, William Oscar Wall, Sheriff Cunningham, Bob Smith, Tom Benjamin, Barney Cassidy, Bob Hanks circa 1897.



◀ Sheriff Thomas Cunningham,
1871-1899.



◀ H.B. Coleman
Marshal, 1906-1920.



◀ Byron D. Beckwith
Constable, 1869

Irrigation Company. He eventually moved to Colusa and started a canal district. Byron Beckwith died there in 1904.

Men who served for more than one term as constable were Lafayette H. Woods (son of Jeremiah), P.W. Dougherty, J.J. Hubbard, and H.B. Coleman. Those serving as justice of the peace for multiple terms were Edward E. Young, A.C. Meeker, and Lodi's first mayor George Lawrence.

In 1871 Thomas Cunningham began his long and popular service as sheriff. He was a native of County Longford, Ireland, where he was born in 1838. Ten years later, he came to the United States and located in Brooklyn, New York. There he served an apprenticeship at the harness-making trade with his brother-in-law. In 1855 he left for San Francisco via Panama. Soon after his arrival, he came to Stockton and worked as a harness-maker, starting his own business in 1860. The following year he married Miss Catherine Quick. In 1865 Cunningham was chosen chief of the Stockton Fire Department, serving for several terms. In 1865 and again in 1870 he was elected to the Stockton city council. Cunningham was a well respected law officer, known for his bravery, integrity, and devotion. He belonged to many orders that worked for the benefit of man. In 1883, in what was consid-

ered a shrewd action, Sheriff Cunningham bought three young dogs in Texas for \$200.00 and brought them home with the intention to train them to hunt criminals. They were a cross between a bloodhound and a foxhound. After 28 years as sheriff, he voluntarily retired in January 1899. Thomas Cunningham died of heart disease in November 1900.

In 1873 new election codes were welcomed by voters, who were no longer jostled and annoyed by gangs of "roughs" that formerly congregated about the polling places. In addition, no bands of music or carriages were permitted to drum up voters.

By 1881 the county had built a 12' x 16' wooden jail in Lodi, the population was about 500. When Constable Dougherty died of consumption, a man by the last name of James was appointed. L.C. Mowry was justice of the peace. Judge Mowry appointed a Mr. Nuey as his court Chinese interpreter.

A year later Judge Mowry resigned and C.A. Dickerson was appointed to fill his vacancy. Several months later, Judge Dickerson fitted up the back of one of Truman Stoddard's buildings for an office. The newspaper said "It is a large and well appointed courtroom and is in keeping with the dignity of the worthy judge who presides in it." Two

weeks later, Judge Dickerson resigned on account of health and conflicting business interests. Within days, Dickerson changed his mind and consented to serve out the short remainder of his term. About this same time, former Judge Meeker was still in Lodi and working as a contractor and builder.

In 1882 the justices were elected rather than the prior practice of being appointed by the Board of Supervisors. W.J. Rixon and Edward E. Young came into office.

Edward E. Young was in public service for many years. During the 1871 elections, he was the Woodbridge precinct inspector. He served as justice of the peace from approximately 1876-1888, successfully making the transition from being appointed by the Board of Supervisors to being elected by the Elkhorn township residents. In 1882 Young was commissioned by Governor Perkins as a notary public, to reside in Woodbridge.

On July 1, 1882 the Grand Jury submitted a report condemning the jail at Lodi. The report in part stated, "We sent a committee to visit and inspect the jail at Lodi, who reported to us that they found it in horrible condition, and we call the attention of the Board of Supervisors to that fact. The wooden box was built about 18 months ago at the direction of the Supervisors for a cost of \$350.00. The manner of its construction is a horrid joke either upon the builder or the Supervisors, maybe both, and its continued use is a disgrace to the whole county. It is made of 2 x 4 pine scantling (timbers) nailed together. It is about 12 foot square and contains two cells, each about 6 x 8 feet. The walls are full of cracks, through which the "toughs" pass consolation in the shape of cigarettes and cheese. There is nothing to prevent communication, or the passage of weapons or tools, between a prisoner and confederates. A few deft blows in the side with the butt of an ax would give this jail the appearance of having passed through a Nebraska tornado. There is no security about it. Officer James informs us that he never dares to

leave any but petty criminals in the "jug" overnight without it being watched. But the horrible condition appears to be in the wickedly constructed water closets with which it is provided. The vault, 6 or 8 feet outside the jail, has caved in, with the result of making the jail about as foul as a Pike County pigpen. The Supervisors will do nothing more than their duties required by giving their immediate attention to this matter. The present structure is worse than useless. We would advise the Supervisors to order immediately the building of a small, solid, brick jail at Lodi which would commensurate with the needs of the public, which would be safe and healthy, and which would stand as an unpretentious, but significant monument to the dignity and power of the law. We appeal to our Stockton exchanges to help us in encouraging the Supervisors to order the construction of such a jail."

In early 1884, the problem of animals-at-large prompted several citizens to communicate their feelings to the newspaper. Tom Cornwell stated he would lasso every horse, cow, ox, or ass that he found on the streets after night and will demand and have every dollar of damages the law allows. Look out! He also threatened to publish the names of those who wantonly disregarded the home interests of their neighbors. Another man served notice to all owners of trespassing stock stating

that the guilty would be prosecuted according to law. It would be three more years before Poundmaster Emmons Taber was appointed.

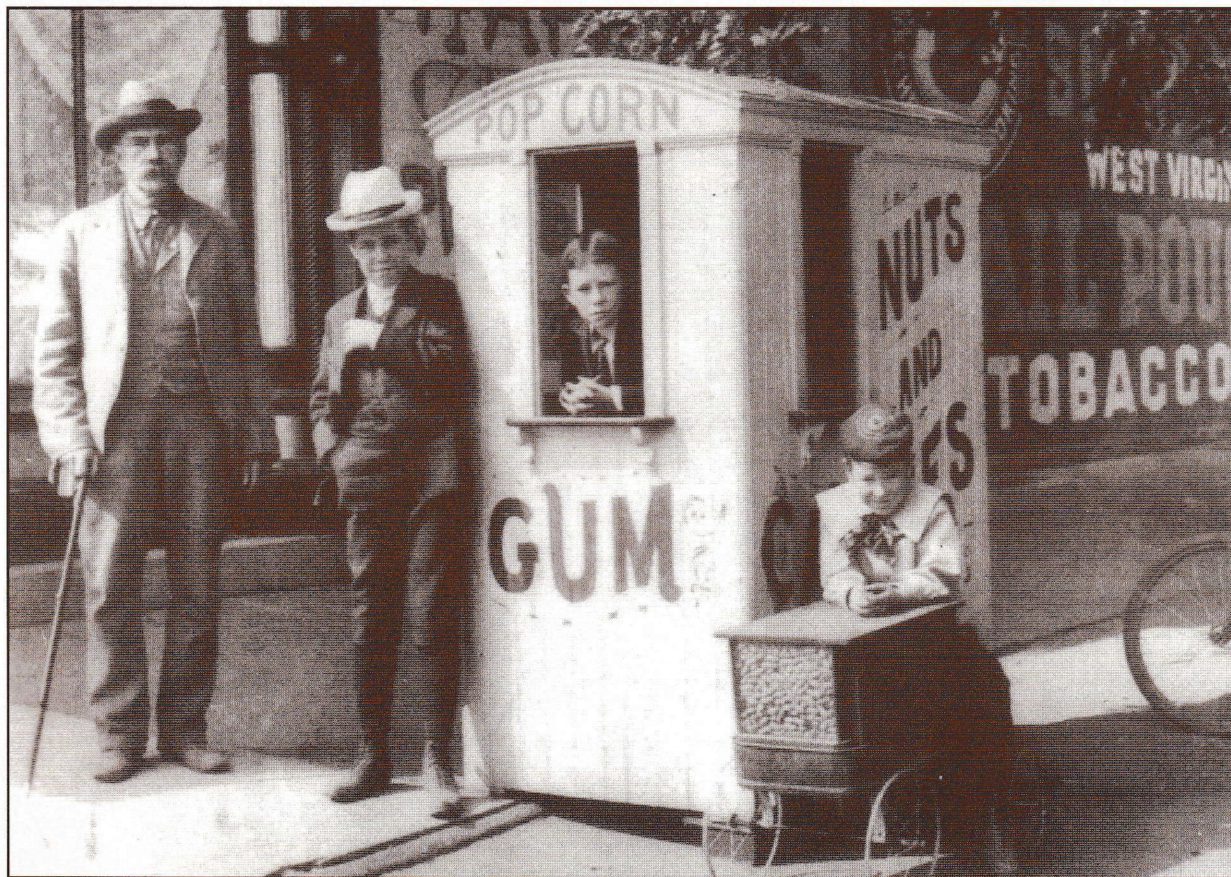
January 1885, George Lawrence, Lodi's new judge, set up his courtroom on the second floor of the Green building. A Lodi native, Mr. Lawrence was born in 1861 to Ezekiel and Mary (Hutchins) Lawrence. He graduated from St. Mary's College in 1882 and took up the study of law. After serving as the local justice of the peace, he entered a law office in Stockton and was admitted to practice law in 1887. A number of years later, he returned to Lodi after his brother's death and took charge of the family's business interests. He was a pioneer in the Tokay grape industry and an active member of the Lodi Brass Band. Mr. Lawrence also held membership in the Odd Fellows, the Knights of Pythias, the Elks, and the Native Sons of the Golden West. In 1895, as leader of the 4th of July parade, the 28 divisions in the line of

march took 22 minutes to pass a fixed point. In 1900 George Lawrence married Miss Emelia Jones. In 1904, Mr. Lawrence unsuccessfully ran for State Senator.

In September 1885 former Judge Meeker, age 73, ran a 40-yard race with Uncle Holenburger, age 60. The judge came down the home stretch a good second, grabbing at every jump of the flying coattails of his competitor. As a penalty for being beaten, the judge was required to pay for four queen charlottes (a dessert).

The following year Constable S.O. Sollars made a descent on the opium den of Tem Yeun one evening, two well-known young Lodi men were present but escaped. In January 1887, Constable Sollars left Lodi for Paso Robles to establish a soda and ice business.

In 1894, Herman Schultz was now poundmaster. His duties were to pick up dogs, pigs, horses, cattle, etc., from the streets of Lodi during the day. At night, most people opened



▲ L-R: William Turner Gregg and sons, Clyde, Ward and Floyd; southwest corner of Sacramento and Elm streets, circa 1902.



▲ Ollie Smith, west Elm Street, between School and Sacramento streets.

their gates to allow their animals out to eat grass. In July, the Lodi Review praised Constable W.J. Bailey for being "the first to donate his entire time to his position. In addition, he employed a deputy, William Oscar Wall." The next month, Bailey was defeated at the polls.

Deputy William Oscar Wall first proved his bravery when he captured single-handed a man who had dragged a Lodi woman from her buggy. Later, he prevented the suspect's lynching during the preliminary examination. In another incident, a prisoner broke away from Wall, who gave chase and swam a river in pursuit, finally overtaking the prisoner. This won him the admira-

tion of county Sheriff Cunningham, who appointed Wall a sheriff's deputy in September 1894. While working for Cunningham, Wall and another deputy, George Black, exchanged shots with two train robbers. The robbers fled, but were subsequently captured and given life sentences in San Quentin. After Sheriff Cunningham passed away, Deputy Wall retained his position under Sheriff Sibley.

Law enforcement had more light to see with on November 15, 1894. That evening, Lodi was lit up with gas for the first time replacing kerosene lamps. When it was time to take drunks to jail, a small hand cart or "black maria" was used.

In 1900 A.E. Percival was justice of the peace and H.B. Coleman was constable.

Hannibal B. Coleman was born in Ontario, Canada on February 29, 1856. His parents were from Scotland. Mr. Coleman came to this area in 1875 and operated ranches west of Lodi with his brother, A.M. Coleman. In 1883 he returned to Ontario and married Miss Anna Davidson. He returned to Lodi with his wife, even-

tually becoming county road supervisor about 1890. After Coleman was elected constable, he remained in law enforcement until 1920.

By 1902 Lodi had 1,600 people, five churches, two wineries, one cannery, and one bank. In May, Constable Coleman announced he would start at once a crusade against young boys who remain out after 9 o'clock in the evening, since as of late, much mischief has been done by these young night loafers. All those under 18 years old will be arrested if not at their home.

In addition to being justice of the peace, A.E. Percival was an attorney-at-law and notary public. He had an office on the second floor of the Bank of Lodi building. In a 1902 case of disturbing the peace, Percival sentenced the two offenders to 10 days each in the county jail. In a 1904 case, a laborer erred when he looked too long upon "red liquor" and sought the school grounds to rest. The children and schoolmarm were suitably excited, Constable Coleman picked the suspect up and Judge Percival sentenced him to 10 days in jail.

During the November 1904 elections, former Constable J.J. Hubbard and future Deputy Marshal T.H. Myers were the judges at the East Lodi precinct in the Steacy building.

In August 1905 a judicial repeal of the County Government Act revived an old law that gave constables their salaries from fees collected.



▲ Lodi Race Track, Cherokee Lane dog racing, 1895.



▲ Saloon sign says, "Ruhstaller's Gilt Edge Steam Beer," circa 1895.

The constables can make more on the fee system than by receiving a flat compensation, which was \$30.00 a month. The same month Judge A.E. Percival resigned, the Board of Supervisors appointed his replacement, lawyer George M. Steele. In October of the next year, Arthur E. Percival was elected to represent the 24th Assembly District. In other election news, H.B. Coleman lost his bid for the 4th District Supervisor.

In February 1906, a site for a new jail on north Sacramento Street was purchased for \$400.00 from Mr. Larson. Construction was expected to cost \$2,000.00.

On November 27, 1906 Lodi voted 266 to 128 to incorporate as a city of the sixth class. Former Justice George Lawrence was elected to lead the Board of Trustees, current Justice George M. Steele was named City Recorder, and H.B. Coleman was the new City Marshal and Tax Collector. The city rented a room for Marshal Coleman at 11 North Sacramento Street. In February 1907 Coleman's salary was set at \$70.00 a month, he was the city's highest paid employee.

The new Board of Trustees adopted a number of ordinances,

they deemed it unlawful to use vulgar and abusive language in public, to whistle in a public hall or sing in a saloon, drive faster than 8 miles per hour, or to leave a horse unhitched.

Marshal Coleman charged a man with the "first crime" of begging on the public streets of Lodi, a misde-

meanor under Ordinance #9. The defendant was decreed guilty on January 15, 1907 and sentenced to the county jail for 20 days. Two men charged with disturbing the peace were fined \$15.00 each, the fines were not paid and they served one day in jail for each dollar owed.



▲ Lodi Hotel, southwest corner of Sacramento and Pine streets, 1895.

Another man was cited and fined \$5.00 for cleaning his cesspool during the daytime. An ordinance adopted March 25, 1907 established a chain gang if necessary to compel prisoners to work.

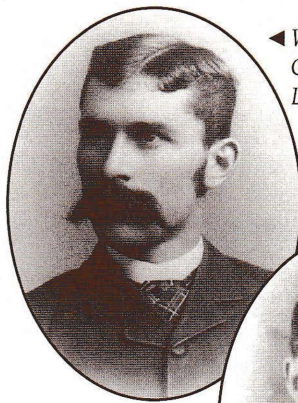
City trustees passed an ordinance limiting Lodians to three cows within the city limits. Shortly after, there were objections about the method used by Poundmaster Harrison Brannock to catch loose cows.

During the run of the September 1907 Tokay Carnival, S.A. Shinn and H. Brannock each received \$10.50 for nightwatching, Brannock was also paid \$7.50 for poundmaster duties. Sheriff W. Sibley was paid \$42.87 for board of prisoners.

During 1908, Poundmaster Brannock had a man arrested for removing his cow from the pound. Charges of arson were brought against a pressman and one of the owners of the Lodi Herald. The plant, and other property worth \$20,000, burned in a fire the year before. The City Trustees increased the speed limit to 10 miles per hour. Speed limit signs were posted on all roads leading to Lodi, including wagon roads and railroads. The first person to be arrested for exceeding Lodi's new speed limit was

fined \$10.00 by Judge W.J. Ham. On October 14, 1909, Chinese gamblers were fined \$470.00.

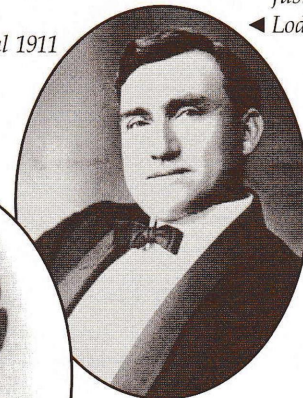
In 1910 a new ordinance prevented boys under the age of 18 from frequenting, lounging about, or participating in billiard and pool rooms. Almost daily, the boys can be seen in these places, spending their time and money. Marshal Coleman's salary was increased to \$75.00/month, plus \$15.00/month for the additional Superintendent of Street duties. The City purchased the Cary Brothers electric, light, and water plant on north Main Street, between Elm and Locust streets.



◀ William H. Burkholder
Constable 1906
Deputy Marshal 1911



◀ William Oscar Wall
Deputy Constable,
later Deputy Sheriff



George E. Lawrence
Justice of the Peace
◀ Lodi's first mayor

Marshal Coleman and his deputy were the only city employees who weren't located at the Main Street buildings for the next 13 years, with the exception of the sewer plant operators and the librarians. Judge Ham passed away in November. Lodi now had four saloons, two clubs, and two wine stores. The population was 4,500.

1911 was a busy year. In January Constable Floyd found the man who stole Frank Smith's overcoat and placed the culprit in jail. Floyd also recovered John Emde's valuable horse, tracking it to Sacramento. In another case, he fired three shots at a fleeing bike thief. Lodi prisoners were being housed in the county jail on north Sacramento Street. Poundmaster Richard Squire impounded 16 dogs during February.

In the county, Sheriff Sibley had notices posted all around that he would arrest any speeder driving over 20 miles per hour. The deputies stationed themselves in the shadows of the trees and used a stopwatch to clock the speed. A Sacramento attorney driving a handsome new car was arrested on Lower Sacramento Road. After his vehicle was timed, two deputies suddenly stepped from a clump of trees and stretched a rope across the road. He stopped, the officers said he was clipping along at 40 miles per hour.



▲ Out for a ride.

In April 1911, a Chinese man was injured during a drug deal that went sour. The victim was Tung Shing, known about town as "Peanut Sing" for he had been selling peanuts upon the streets of Lodi for a number of years. Constable Floyd was notified and the wounded man, who was still conscious, gave a description of the man who attacked him. Inside of an hour, the suspect, a meat cutter, was found in his room and placed under arrest. He was brought to the victim's bedside and identified as the man who committed the deed. The butcher admitted that he was a slave to the terrible habit of smoking opium. An argument started because Shing said he had no dope. Shing handed back the 50¢ to the suspect that had been tendered to pay for the opium. The suspect said he did not shoot Shing, but hit him with a bottle of beer.

Also in April, a local hotel owner was fined \$175.00 for selling wine to Lodi youths. The Trustees had a different type of crime on their minds, proposing a plan to stop gambling in Lodi. Marshal Coleman appointed a new deputy, William H. Burkholder. Burkholder was born in 1864 and married Luella Clark in October 1885.




Cowboys posing under the Arch, 1907. ▲

In June 1911, railroad officials asked the Lodi officers to keep people off of the grass at the railroad park. The people who persist in making it a lounging place dig up the grass with pocket knives, throw rocks upon the grass, and make grass cutting and watering difficult. On June 14, Lodi Sentinel editor S.B. Axtell shot Charles Sollars, who died the next day. Sollars was 52 years old and owned the Sollars Ice Company. Axtell retained attorneys George M. Steele and George F. McNoble to defend him. Five months later Axtell was found guilty of 1st degree murder and sentenced to life imprisonment.

The city now had two night watchmen, T.H. Myers and M. Hamilton. Lights were turned off at midnight.

In other news, the state called war on squirrels and promised to prosecute all who failed to kill the rodent. The post office reminded citizens that it is against the law for postal employees to lick your stamps, you have to lick your own stamps.

On October 5, 1911 the Highway Commission Advisory Board was considering the appointment of a motorcycle policeman to keep autoists within the fixed speed limit of San Joaquin County highways and the probable raising of the speed limit from 20 mph to some faster gait, perhaps 30 mph. Lodian B.A. Towne was chairman of the Highway Commission. Later in the month, 25 motorcyclists and one autoist were arrested on Lower Sacramento Road for speeding. The people were returning from the races in Sacramento and all were in a hurry to get to their homes or were trying out their machines. The officers, who were hiding behind a clump of trees at a bend in the road, had little trouble in stopping the law breakers, each was forced to pay a \$5.00 fine. Those who were unfortunate enough not to have the cash were compelled to walk home, for their machines were taken in charge.



A. J. WEINERT

Democratic Nominee for

Justice of the Peace

Elkhorn Township

Election Tuesday, November 6, 1906

LODI SENTINEL, PR. 58

▲ Advertisement for an unsuccessful candidate.



▲ School Street, looking north from Pine Street, circa 1908.

An early Lodi band. Railroad Park, on the corner of Sacramento and Pine streets, is in the background. This is ▼ in early 1907, before the arch was built.



On October 12, Lodi's Board of Trustees asked Supervisor Newton to set aside one cell in the county jail (in Lodi) for city use. Constable Floyd said "that if the Lodi trustees don't like their quarters in the county jail building, they can move out at any-

time they see fit," for the so-called "City Hall" is in reality a branch of the county jail, upon which the city has no claim. The next month after a prisoner escaped, three new heavy doors were installed at the city jail to block any future attempts to escape.

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Year	Constables Elected
1869	B.C. Harris B.D. Beckwith
1871	G.W. Emerson L. Brigham
1873	P.W. Dougherty - McAfee
1875	P.W. Dougherty A. Pixley
1877	P.W. Dougherty Lafayette H. Woods
1879	P.W. Dougherty Isaac B. Gum
1881	- James James P. Henderson
1882	J.J. Hubbard Lafayette H. Woods
1884	J.J. Hubbard S.O. Sollars
1886	H.S. Clark J.S. Girard
1892	Lemon Williams W.J. Bailey
1894	Parker Thompson F.M. Tinin
1900	H.B. Coleman
1902	H.B. Coleman
1904	H.B. Coleman
1906	W.H. Burkholder A.P. Krumb